IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

SINA MOGHTADER,)
Plaintiff,)
V.) CIVIL ACTION NO. SA-17-CA-1216-FB
NATIONAL BOARD OF MEDICAL))
EXAMINERS,)
)
Defendant.	

ORDER DENYING PLAINTIFF'S MOTION FOR NEW TRIAL

Before the Court is Plaintiff's Rule 59 Motion for New Trial, which the Court construes as a motion to alter or amend judgment under FED. R. CIV. P. 59(e). (Docket no. 17). Plaintiff seeks an order from this Court reversing its previous ruling dismissing plaintiff's claims for lack of subject matter jurisdiction or failure to state a claim pursuant to the Americans With Disabilities Act ("ADA"). Defendant, the National Board of Medical Examiners ("NBME"), opposes the motion. (Docket no. 18). Plaintiff did not file a discretionary reply. After careful consideration, and for the reasons set forth in defendant's response to plaintiff's motion, the Court is of the opinion the motion should be denied.

IT IS THEREFORE ORDERED that Plaintiff's Rule 59 Motion for New Trial (docket no. 17) is DENIED.

It is so ORDERED.

SIGNED this 3rd day of December, 2018.

FRED BIERY

UNITED STATES DISTRICT JUDGE